



CALIFORNIA
WOMEN'S
LAW CENTER

FAIR PLAY FOR GIRLS IN SPORTS:
A PROJECT OF CWLC

BRIEF OVERVIEW

Title IX - Quick Primer

Overview of Title IX, including the benefits of affording equity in school sports to girls and women, ongoing progress, how the law works, and key reminders

THE POWER OF SPORTS: BENEFITS FOR GIRLS & WOMEN

Sports participation offers positive, healthy, and transformative experiences to girls and women (along with all who play!) — with benefits extending far beyond the playing field, court, pool, or track. Before Title IX, however, schools and athletic programs largely excluded girls and women from these opportunities. Today, everyone can benefit. **Studies show:**



Academic and Workplace Achievement: Female student athletes often excel academically and are more likely to graduate from high school than their non-athlete peers. On average, girls who play sports in high school tend to earn 7% higher wages later in life than their non-athlete peers.



Intersectional Equity: Girls of color in low-income communities often face especially high hurdles to sports participation and equitable treatment, yet stand to realize significant lifelong benefits when given a level playing field.



Mental Health: Athletic participation reduces rates of depression and anxiety among girls and young women who play, while fostering higher self-esteem.



Leadership and Resilience: Sports participation builds collaboration, communication, and perseverance skills that carry into professional contexts and other arenas of life.

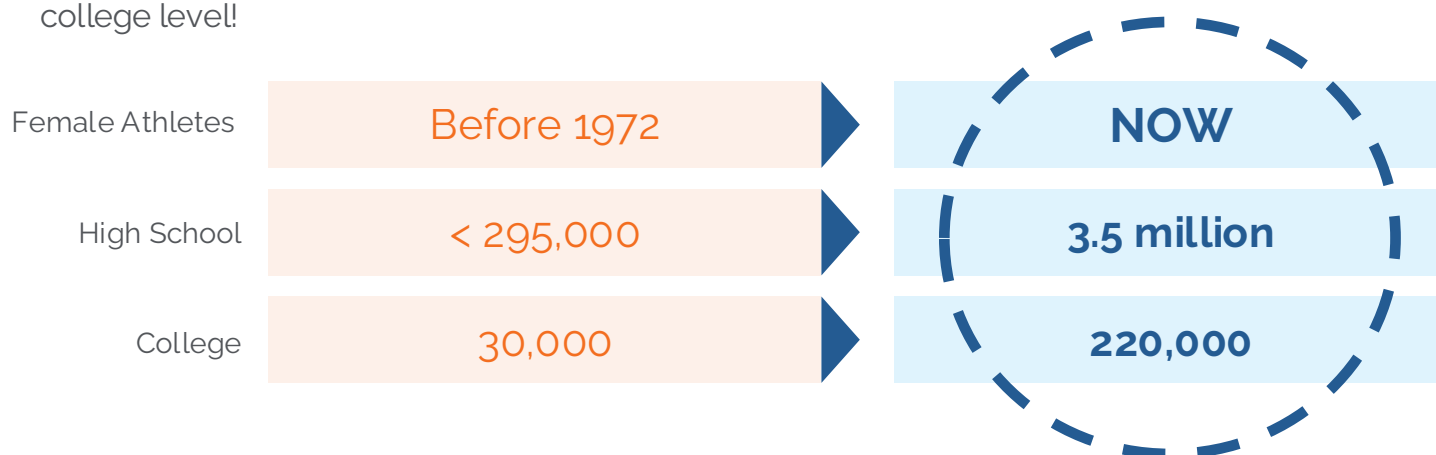


Physical Health: Active girls experience lower rates of diabetes and chronic disease throughout life.

PROGRESS BY THE NUMBERS: BEFORE & AFTER TITLE IX

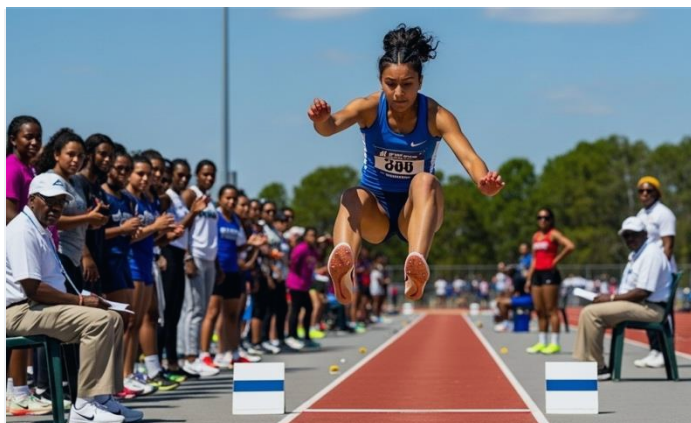
Before and Since the Title IX Law Passed in 1972

Fewer than 295,000 girls played high school sports nationwide pre-Title IX, despite widespread interest in doing so and roughly 30,000 women played college sports. Today, over 50 years after Title IX became law, ~3.5 million girls play high school sports — a 1,000%+ increase with teams, programs, and leagues for female athletes expanding significantly. Women's college athletic participation has grown by more than 500% with over 220,000 women playing sports at the college level!



Strides for All

Real world data and school trends debunk the common misconception that Title IX comes at the expense of male athletes—simply untrue. In 1972, approximately 3.6 million boys played high school sports (still above the number of girls playing today). Now, boys make up over 4.5 million of high school participants, and rising. At the college level, men's participation has similarly increased, from roughly 170,000 in 1972 to over 290,000 today, and again, more than women. Title IX *expanded* the overall sports ecosystem for girls, boys, women, men, and all, while leaving room for further progress.



TITLE IX BASICS

Title IX applies to any educational institution receiving federal funding – even a single dollar – including virtually every *public* (including charter schools) K-12 school as well as public and private colleges and universities accepting federal funds (e.g., loan programs) (“school(s)”). Enforcement bodies include the courts, the U.S. Department of Education’s Office for Civil Rights (OCR), state education agencies, and others. In athletics, Title IX compliance is evaluated across four main areas: participation opportunities, treatment and benefits, financial aid, and anti-retaliation.

No person in the United States shall, on the basis of sex, be excluded from participation in, be denied the benefits of, or be subjected to discrimination under any education program or activity receiving Federal financial assistance.”

Title IX

- 1. Participation Opportunities:** A school is in compliance if it satisfies *any one* part of the test (see below) which is flexible and practical. No quotas are imposed requiring any student to play sports and discretion is afforded to schools structuring programs in wide-ranging ways responsive to interests.
 - **Part One - Proportionality:** The percentage of female athletes is substantially proportionate to the percentage of female students in the overall student body (e.g., ~49% women in the student body means ~49% of athletic slots going to female students); OR
 - **Part Two - History and Continued Practice of Expansion:** The school has a history and continuing practice of expanding athletic opportunities for the underrepresented sex (often girls/women); OR
 - **Part Three – Show Full Accommodation:** The school can show that it is fully and effectively meeting the athletic interests and abilities of female students, if underrepresented, even if proportionality has not been reached (e.g., in high school, use surveys to show girls and women find offerings (in)sufficient; in college, look to recruiting for male and female athletes as well as school interest surveys).
- 2. Treatment & Benefits:** Girls and women should get equivalent support in equipment, facilities, coaching (e.g., player to coach ratio & quality), scheduling, travel, publicity, and other items (also known as the “laundry list”), as compared to boys and men.
- 3. Scholarships:** In colleges and universities, total athletic financial aid (which includes sports-based scholarships) must be distributed based on percentage of female and male athletes in the school.
- 4. No Retaliation:** The law mandates that no backlash or retaliation should occur. Schools should support, encourage, and try to work with anyone raising concerns.



KEY REMINDERS

- **Title IX does not require schools to offer or cut sports** and permits schools ample flexibility in how they offer sports.
- **Positive attitudes are helpful**, yet Title IX focuses more on objective allocations, decisions, and resources, not on the state of mind or specific words of those involved.
- **Title IX accounts for cost/sport differences in an overall program analysis.** A top-of-the-line boys' football helmet may cost more than a top-of-the-line girls' cross country uniform and both can satisfy the equity standard. The whole program (*i.e.*, all girls' and boys' teams) must be analyzed in terms of *all* the treatment and benefits.
- **The law does not require like sports be offered** (*e.g.*, if girls wish to play flag football, boys' flag football need not be offered). Yet, consider the interests of boys and girls across the board to meet the respective interests and needs of all.
- **Third party donations (*e.g.*, from boosters) should be equitable.** Consider if a technology company donated free computers only to male students and not to female students; no principal would permit that. Donations to a male or female team/program (*e.g.*, new shoes, bags, or a special banquet) are permissible if the school provides equivalent benefits for all girls' and boys' teams, regardless of source.
- **High costs and capital improvements are not per se necessary.** If a school has limited gym or field space, locker rooms, offices, etc. and is unable to treat male and female athletes equitably, consideration should be given to annual alternating of fields, team rooms, uniform replacements, or other space assignments in order to demonstrate equitable treatment over time. Creative sharing is possible!



CRITICAL ONGOING AWARENESS & ENFORCEMENT

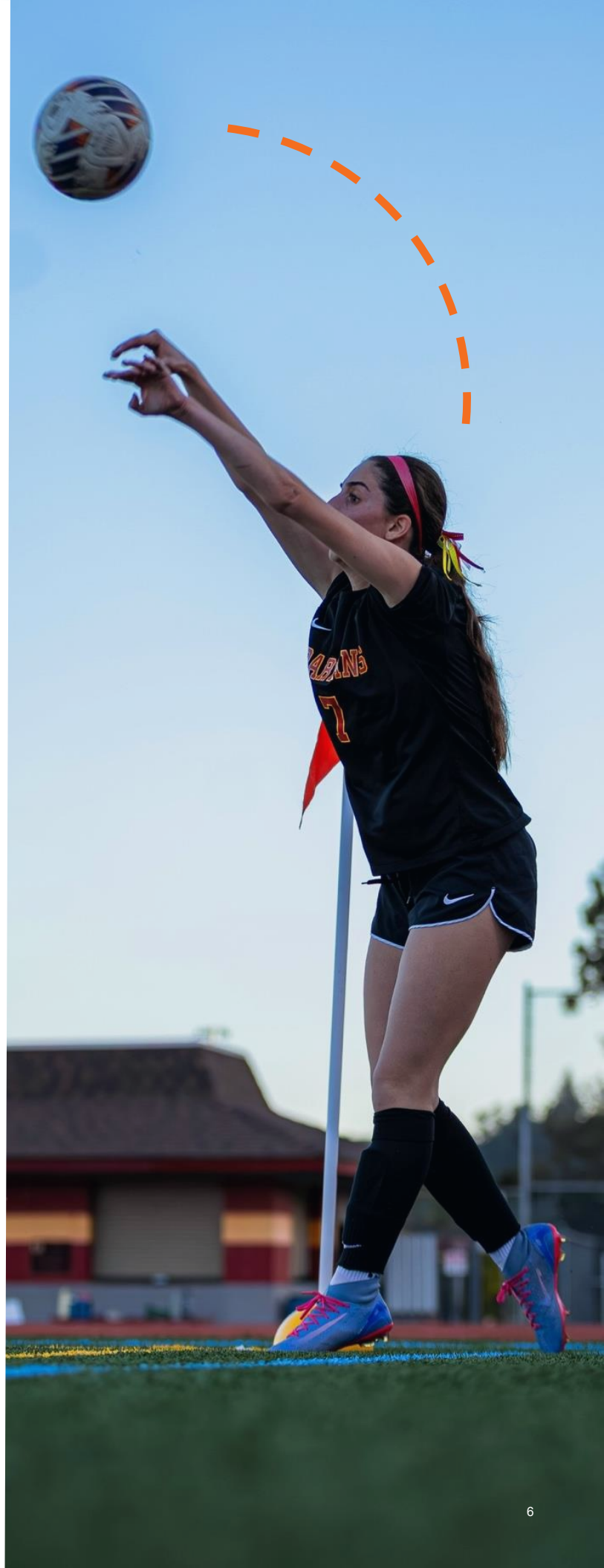
The data is clear: Title IX works, it's fair, and it's reasonable. But progress is not self-sustaining. Continued enforcement matters.

Gaps Remain: Girls' and women's athletic programs still receive far fewer, non-proportional participation opportunities and lower-quality facilities and schedules, less publicity, and other inferior treatment compared to male counterparts, plus other glaring inequities—all of which can be fixed with simple attention plus persistent actions.

Stay Vigilant: Without active enforcement, hard-won progress erodes. Also, make sure those raising their hands/speaking up about concerns experience support.

The Pipeline Matters: Girls who play sports become women who thrive and lead (alongside all others benefitting from sports participation).

Advancing Title IX ensures a future where all students receive equal benefits from sports participation.



The mission of California Women's Law Center is to create a more just and equitable society by breaking down barriers and advancing the potential of women and girls through transformative litigation, policy advocacy, and education.

*Note, while this material and work focus on youth identifying as girls, California Women's Law Center (CWLC) supports equitable athletic access for all youth regardless of gender, gender identity, sexual orientation, race, socioeconomics, ability, and more. CWLC notes the drafters' binary approach and language in laws covered in these materials and further underscores the importance of ensuring inclusive, equitable, welcoming, and safe environments for all youth.

Thank you to all who contributed to CWLC's Fair Play materials, including Goodwin Procter LLP.



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